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August 20, 2010

Via ECF

The Honorable Dennis M. Cavanaugh, U.S.D.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
Room PO-04
50 Walnut Street Room
Newark, NJ 07101

Re: *Eli Lilly and Company v. Actavis et al.*, Civil Action No. 07-3770 (DMC)(JAD)

Dear Judge Cavanaugh,

Lilly writes in response to Apotex's letter of August 17, 2010 (D.I. 666), regarding the parties defendant for whose benefit judgment should be entered. Lilly does not wish to interfere with whatever benefits or detriments may be realized among the Defendants in connection with this issue. Lilly does, however, have one very practical concern.

This Court has entered a temporary 14-day injunction to preserve the status quo pending appeal following entry of Final Judgment, and Lilly will be approaching the Federal Circuit then to continue such relief. If the Court's temporary injunction and whatever injunction the Federal Circuit may issue were misinterpreted as applying to some but not all defendants, it would defeat the purpose of those injunctions and result in great unfairness not only to Lilly but also to the enjoined Defendants.

With respect to Defendants whose actions are pending but stayed, there would appear to be no impediment to entry of an order in their cases clarifying for the avoidance of doubt that the Court's temporary injunction and any injunction issued by the Federal Circuit applies to them as well.

With respect to the Defendants that accepted adverse consent orders, those orders specifically vest retained jurisdiction in this Court to supervise enforcement of them. This Court, therefore, has the power to issue orders in those cases to make clear for the avoidance of doubt that the injunctions in those orders shall extend for at least as long as the Court's temporary injunction and for the term of any further injunction issued by the Federal Circuit in connection with the Final Judgment entered in connection with the active Defendants.

Counsel for all interested parties have been served with a copy of this letter.

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Respectfully yours,

M. Andrew Holtman / YfB

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cc: All Counsel of Record